IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 998(S/S)2007

Smt. Ritu Verma W/o Anup Kumar Verma,
Village- Nagari Gaon, Bhowali Nainital,
District Nainital ---- Petitioner.

Vs.

1. State of Uttarakhand through the Secretary,
   Department of Education, Govt. of Uttarakhand,
   Dehradun.
2. Director, School Education, Uttarakhand, Dehradun,
3. Addl. Director, SCERT, Uttarakhand Narendra Nagar,
   Tehri Garhwal,
4. Principal, District Institute of Education & Training,
   Bhimtal, Nainital,
5. National Council of Teachers Education, through
   its Chariman, Hans Bhawan, Wing-II
   Bahadurshah Zafar Marg , New Delhi. ---- Respondents.

Sri C.D. Bahuguna, learned counsel for the petitioner.
Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand and
Sri Sudhir Singh, learned counsel for NCTE/respondent no.5.

Hon'ble M.M, Ghildiyal, J.

Heard Sri C.D. Bahuguna, learned Counsel for the petitioner, Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondent nos. 1 to 4 and Sri Sudhir Singh, learned counsel for NCTE/respondent no.5.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

(a) Issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 1 to 4 not to reject the candidature of petitioner for selection for Special B.T.C. training course at the time of counseling, only on the ground that she has not produced a certificate of recognition of Rohilkhand University from NCTE, New Delhi, particularly in view of the fact that Rohilhand University is already included in the

list of recognition as is apparent in the website of NCTE-namely, www.ncte-in.org.,

(b) Issue a writ, order or direction in the nature of mandamus declaring that the name of the petitioner has been wrongly included under the head note "औपबन्धिक श्रेणी" i.e. Provisional category, in the merit list of Special BTC Training Course, issued for the purpose of counseling, in view of the fact that Rohilkhand University, from where the petitioner passed her B.Ed. as a regular student, is already included in the list of recognition as is apparent in the website of NCTE-namely, www.ncte-in.org.,

(c) Issue any other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

(d) Award cost of the present writ petition to the petitioner.

Stand of the petitioner is that she has passed her B.Ed. Degree from the M.J.P. Rohilkhand University, Bareilly in the year 1999. It is further submitted that the B.Ed. Degree course conducted by the Rohilkhand University is recognized by the National Council of Teachers' Education (hereinafter referred to as the NCTE). The petitioner applied for Special B.T.C. Training and has been selected. For the purposes of admission, counseling is going to be held on 5th August 2007. It is submitted that in the result published by the District Institute of Education & Training (DIET), the petitioner's name has been shown selected in the Provisional Category.

Counsel for the petitioner has submitted that the petitioner approached to the respondent's authorities and she

was informed that as she did not produce a certificate issued by NCTE to the effect that the B.Ed. Degree course conducted by the Rohilkhand University is recognized by the NCTE, therefore she has been placed in Provisional Category. After the petitioner got selected, she produced a list of Institutions from website before the respondents, which have been recognized by the NCTE stating therein that the B.Ed. Degree obtained from Rohilkhand University is recognized by NCTE. In these circumstances, the petitioner has prayed that the respondents may be directed not to reject the petitioner for admission in Special B.T.C. Course merely on the ground that she did not produce the certificate issued by the NCTE to the effect that the B.Ed. Degree course conducted by the Rohilkhand University is recognized by the NCTE. I, find force in the submission of learned counsel for the petitioner.

Accordingly, in case, the list of Institutions issued by the NCTE and obtained from website, which has been submitted by the petitioner before the respondents, is not found genuine; the admission given to the petitioner shall be cancelled. Further, if the petitioner is not otherwise eligible for admission in Special B.T.C. Course, it is open to respondents not to consider claim of the petitioner for Training in Special B.T.C. Course.

With these directions, the writ petition is finally disposed of. No order as to costs.

Let a certified copy of this order be supplied to the learned counsel for the petitioner, today itself, on payment of usual charges.

(M.M. Ghildiyal, J.)

August 2, 2007:
NCM: